

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF ROLAND ROHM, by its Personal
Representative, Geraldine Livermore,

No. 1:04-CV-552

Plaintiff,

v

HON. RICHARD ALAN ENSLEN

DANIEL LUBELAN, individually, and, JERRY
ELLSWORTH, individually, jointly and severally,

Defendants.

Christopher J. Keane (P46920)
The Keane Law Firm
Attorney for Plaintiff
930 Mason Street
Dearborn, MI 48124
(313) 278-8775

Margaret A. Nelson (P30342)
Mark E. Donnelly (P39281)
Attorneys for Defendants
Michigan Department of Attorney General
Public Employment, Elections & Tort Div.
P.O. Box 30736
Lansing, MI 48909
(517) 373-6434

**DEFENDANTS' EX PARTE MOTION FOR LEAVE TO FILE
EXHIBITS IN THE TRADITIONAL MANNER**

Defendants, pursuant to the Electronic Filing Policies and Procedures of this court, seek
leave of this Court to file exhibits in the traditional manner.

One exhibit to the Reply Brief in Support of Defendants' Motion for Summary Judgment
– the video deposition of plaintiff's expert, John Thornton - cannot be authentically converted to
electronic form because it is a CD-ROM. Moreover, the exhibit is critical to the defendants' reply

brief in order to counter the affidavit of the same witness, John Thornton, filed by plaintiff in her response to the Defendants' Motion for Summary Judgment.

For the foregoing reasons, the defendants request that they be allowed to file as an exhibit to their reply brief the CD-ROM containing the video deposition of plaintiff's expert, John Thornton.

Respectfully submitted,

MICHAEL A. COX
Attorney General

/s/ Mark E. Donnelly
Margaret A. Nelson (P30342)
Mark E. Donnelly (P39281)
Assistant Attorney General
Tort Defense Division
P.O. Box 30736
Lansing, Michigan 48909-8236
Telephone: (517) 373-6434

Dated: February 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing of the following: Defendants' Ex Parte Motion for Leave to File Exhibits in the Traditional Manner.

/s/ Mark E. Donnelly
Margaret A. Nelson (P30342)
Mark E. Donnelly (P39281)
Assistant Attorney General
Tort Defense Division
P.O. Box 30736
Lansing, Michigan 48909-8236
Telephone: (517) 373-6434
Email: donnellym@michigan.gov

2003/rohm/exparte mtn (exhibits)